

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAXIM REALTY AND LOANS, INC.,)	Case No. C 11-02960 SC
)	
Plaintiff,)	ORDER ADOPTING REPORT AND
)	RECOMMENDATION AND
v.)	<u>REMANDING CASE</u>
)	
GRACE DE CASTRO,)	
)	
Defendant.)	
)	
)	
)	
)	

Plaintiff Maxim Realty and Loans, Inc. ("Plaintiff") brought this action for unlawful detainer in the Superior Court of the State of California, County of Alameda. ECF No. 1 ("Not. Of Removal") Ex. A ("Compl."). Defendant Grace De Castro ("Defendant") later removed the action to federal court. Not. of Removal. Magistrate Judge James has issued a Report and Recommendation in which she recommends this Court remand this action to the Superior Court of the State of California, County of Alameda. ECF No. 8 ("Report & Recommendation").

Having reviewed the Report and Recommendation, the Court finds it correct, thorough, and well-reasoned, and adopts it in every respect. Federal question jurisdiction does not lie because the Complaint asserts only one state law claim for unlawful detainer. Diversity jurisdiction is not a proper basis for removal since

1 Plaintiff is incorporated in California and Defendant is a citizen
2 and resident of California. Not. of Removal ¶ 16. Additionally,
3 Defendant failed to respond to Magistrate Judge James' Order to
4 Show Cause why the case should not be remanded. ECF No. 7 ("Order
5 to Show Cause").

6 Accordingly, the Court REMANDS this action to the Superior
7 Court of the State of California, County of Alameda.

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9 IT IS SO ORDERED.

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11 Dated: October 28, 2011

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UNITED STATES DISTRICT JUDGE